

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**Deena Johnson, as Representative of  
the Estate and Wrongful Death Heirs of  
Sammy O'Neal Johnson**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 3:14CV25 HTW-LRA**

**CHRISTOPHER EPPS, EARNEST LEE,  
JAMES HOLMAN, WEXFORD HEALTH  
SOURCES, INC., LISA DAY, DR. GLORIA  
PERRY, AND JANE DOES 1-10**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Linda Anderson [Doc. 33]. Finding that there has been no submission of written objections by any party, the court hereby adopts said Report and Recommendation as the order of this court. Accordingly, the court grants the plaintiff's motion for qualified immunity-related discovery under F.R.C.P. 56(d) [Doc. 24] to the extent specified in the Magistrate's report. The court denies the defendants' motion for summary judgment based on qualified immunity [Doc. 15] without prejudice to their right to re-file it after discovery is complete. Further, the court finds moot the defendants' motion to dismiss based on Eleventh Amendment immunity [Doc. 8].

**SO ORDERED, THIS THE 19<sup>th</sup> DAY OF September, 2014.**

**s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE**